

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed on November 2, 2005. Claims 1-36 are pending in the Application. Claims 1-36 have been rejected in this Office Action. The Examiner has allowed Claim 37. Applicants have amended Claims 1 and 19. Applicants have cancelled Claims 18 and 36. Applicants respectfully request reconsideration and favorable action in this case.

Rejections Under 35 U.S.C. § 103:

Claims 1 and 19 have been rejected in this Office Action under 35 U.S.C. 103(a) over U.S. Patent No. 6,765,892 to Leung et al. ("*Leung*") in view of U.S. Patent No. 5,884,028 to Kindell et al. ("*Kindell*"). Claims 2-7, 12, 17-18, 20-25, 30, and 35-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Leung* and *Kindell* as applied to Claims 1 and 9 in further view of U.S. Patent No. 6,405,327 to Sipple et al ("*Sipple*"). Claims 8-11, 13-16, 26-29, and 31-34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Leung* and *Kindell* and *Sipple* as applied to Claims 1-7, 9, 17-38, 20-25, and 35-36, and further in view of U.S. Patent No. 6,781,999 to Eyuboglu et al ("*Eyuboglu*"). Applicants respectfully traverse.

Applicants have amended Claims 1 and 19 to include the limitation of Claims 18 and 36 respectively, which are now cancelled. Applicants' Claim 1 as amended recites "a join request manager operable to receive a request to receive a multicast traffic flow, the request being received from one of the user devices within one of the user systems; and deny the request if a system metric is above a threshold by dropping one or more packets containing the request." The limitation "by dropping one or more packets containing the request" was previously found in Applicants' Claim 18. The Office Action relies on *Leung* (column 7, lines 3-8) as teaching this limitation, however this reliance is misplaced. This passage from *Leung* states

the multicast router determines whether the mobile node is allowed to join the host group. This may be accomplished by sending a message (i.e. information request) to the Foreign Agent at block 603 asking the Foreign Agent

whether the mobile node is allowed to join the host group.
For example, the message may ask the Foreign Agent
whether the mobile node is visiting the Foreign Agent.

Nowhere in the above quotation is the limitation “deny the request if a system metric is above a threshold by dropping one or more packets containing the request” taught. The passage instead discusses a multicast router determining whether a mobile node is allowed to join a host group. For at least this reason, Claim 1 should be allowed as should Claims 2-17 that depend therefrom. For similar reasons, Claim 19 should be allowed as should Claims 20-36 that depend therefrom,.

Reliance on Eyuboglu is Improper:

The rejection of Claims 8-11, 13-16, 26-29, and 31-34 is improper also because the Office Action relies on a reference that does not constitute prior art in rejecting these claims. The Office Action relies on *Eyuboglu*; however, this reference was filed after Applicants' invention. *Eyuboglu* was filed on July 23, 2001, while Applicants' invention was filed on June 27, 2001. Therefore, *Eyuboglu* does not constitute prior art and the rejection of Claims 8-11, 13-16, 26-29, and 31-34 is improper.

CONCLUSION

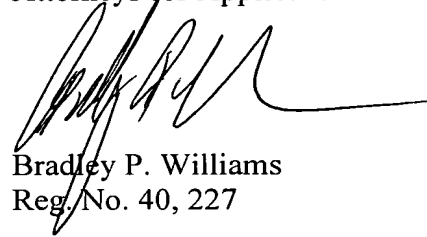
Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, please feel free to contact the undersigned attorney for Applicants.

Applicants do not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'Bradley P. Williams', with a long horizontal flourish extending to the right.

Bradley P. Williams
Reg. No. 40, 227

Date: January 31, 2006

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